

**NORTH PARK, BONANZA LANDS NO. 2, AP (REYNOLDS)
FIVE-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell *TR*

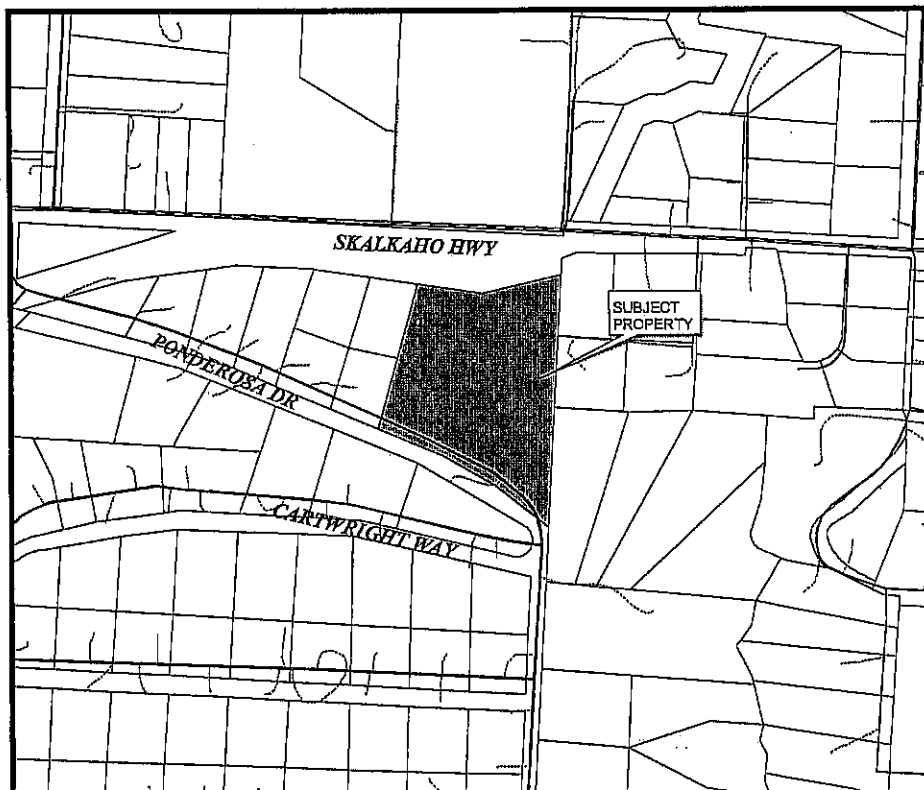
**REVIEWED/
APPROVED BY:** Renee Lemon

PUBLIC MEETINGS: BCC Public Meeting: 9:00 a.m. April 15, 2008
Deadline for BCC action (35 working days): April 22, 2008

SUBDIVIDER: Jeff Reynolds
PO Box 404
Hamilton, MT 59840

REPRESENTATIVE: Alcyon, LLC
PO Box 218
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located southeast of Hamilton off Skalkaho Highway.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the NE ¼ of Section 18, T5N, R20W, P.M.M., Ravalli
County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on February 8,
2008. Agencies were notified of the subdivision and comments
received by the Planning Department not included in the application
packet are Exhibits A-1 through A-7 of the staff report. **This
subdivision is being reviewed under the subdivision regulations
amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent
property owners were notified by regular mail dated March 5, 2008.

**DEVELOPMENT
PATTERN:**

Subject property:	Vacant
North:	Low Density Residential/Agricultural
South:	Residential
East:	Residential
West:	Residential

INTRODUCTION

The North Park, Bonanza Lands No. 2, AP first minor subdivision is a five-lot subdivision of 10.01 acres located south of Hamilton. The proposed development is located in an area of residential use. All lots are proposed for residential use. The proposed development was originally platted as dedicated land to Ravalli County as a result of the Bonanza Lands No. 2 development. Ravalli County sold the lot to Jeff Reynolds in 2007.

Staff recommends approval of the variance request and conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 15, 2008

NORTH PARK, BONANZA LANDS NO. 2, AP
FIVE-LOT FIRST MINOR SUBDIVISION

RECOMMENDED MOTION

1. That the variance request from Section 5-4-4(d) of the RCSR, to relieve the subdivider from connecting the internal subdivision roadway to Ponderosa Drive, be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.
2. That the North Park, Bonanza Lands No. 2, AP Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The BCC should make a decision on whether or not to accept the applicant's proposal of cash-in-lieu of parkland dedication as part of the motion.*)

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there is an irrigation easement and drainage easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a), RCSR, Prerequisites to Approval, and Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)

Notification of Road Maintenance Agreement. The internal subdivision road, Cochise Way, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question are included as exhibits to this document [*the subdivider shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public

safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact

the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on the Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Ponderosa Drive frontage of this subdivision. All lots within this subdivision must use the approved approach off of Skalkaho Highway. Locations of the no-ingress/egress restrictions

can be found on a reduced copy of the final plat. [The subdivider shall provide a reduced copy of the plat showing the no-ingress/egress zones.] This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation and the Board of Ravalli County Commissioners. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety and Variance)

Maintenance of Fencing along Hedge Ditch. The owners of Lots 1 and 2 shall be responsible for maintaining the safety fencing located along the northern subdivision boundary. Each lot owner shall be responsible for maintaining the portion of the fence on their lot to meet the specifications in Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Effects on Public Health & Safety)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Section 3-2-8(b)(v), RCSR, Effects on all six criteria)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
5. Prior to final plat approval, the subdivider shall provide a letter from the Hamilton Rural Fire District stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdivider may provide evidence that a \$500 per lot contribution has been submitted to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
7. The subdivider shall provide evidence that a 60-foot wide "public road and utility easement" has been filed through Tract A-1 of Certificate of Survey #5783 prior to final plat approval. (Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v), RCSR, Effects on Local Services)
8. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. (Section 3-2-8(a), RCSR, Prerequisites to Approval and Section 3-2-8(b)(v), RCSR, Effects on Local Services)

9. The final plat shall show a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision, as requested by the Montana Department of Transportation. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety and Variance*)
10. A stop sign and road name sign shall be installed at the intersection of Cochise Way and Skalkaho Highway prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
11. The subdivider shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
12. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
13. The subdivider shall provide for a 10-foot wide irrigation easement along the eastern boundary of the subject property, as proposed on the preliminary plat. In addition, the subdivider shall also record a 5-foot wide irrigation easement along the western boundary of Tract A-1, Certificate of Survey #5783, as shown on the preliminary plat, prior to final plat approval. (*Section 3-2-8(a), RCSR, Prerequisites to Approval, and Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water Users*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in RCSR Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat. (*see also, Prerequisite to Approval A*)
 - b) The easement for Cochise Way shall be labeled as a 60-foot wide public road and utility easement on the final plat.
 - c) The final plat shall show a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision, as requested by the Montana Department of Transportation. (*Condition 9*)
 - d) The proposed irrigation easement shall be shown on the final plat, as shown on the preliminary plat. (*Condition 14*)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.

6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A Copy of the appraisal report, dated no less than six (6) months from the date of the final plat submittal, for calculating the cash-in-lieu or parkland dedication and a receipt from the County Treasurers Office for the payment of the cash-in-lieu dedication.
13. Road and Driveway approach and encroachment permits from MDOT.
14. Evidence of a Ravalli County-approved road name petition(s) for each new road.
15. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
16. Road certification (Staff Note: Final approval from the Road Department shall meet this requirement.)
17. Utility availability certification(s) shall be submitted with the final plat submittal.
18. A road maintenance agreement, signed and notarized, shall be submitted with the final plat.
19. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of any ditch.
20. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
21. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
22. A copy of the letter sent to the Hamilton School District stating the subdivider has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.

23. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2). The following improvements are proposed with this proposal:

- The subdivider shall improve Cochise Way to meet County standards (addressed above).
- A stop and road name sign shall be installed at the intersection of Cochise Way and Skalkaho Highway.
- The subdivider shall install a fence along the northern property boundary in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Skalkaho Highway. (Application)
2. The internal road system will be located within a proposed 60-foot wide public road and utility easement. A portion of the easement is located on Tract A-1 of Certificate of Survey #5783, which is also owned by the applicant. (Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Requirement 2)*
4. *The subdivider shall provide evidence that a 60-foot wide "public road and utility easement" has been filed through Tract A-1 of Certificate of Survey #5783 prior to final plat approval. (Condition 7)*
5. *The applicant is required to submit utility availability certification(s) with the final plat submittal. (Requirement 17)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed from U.S. Highway 93, Skalkaho Highway, and the proposed internal road. (Application)
2. U.S. Highway 93 and Skalkaho Highway are state highways that provide legal and physical access. (Application)
3. The applicant is proposing to construct the internal road, Cochise Way, to meet County standards. (Application)
4. The applicant is proposing a 60-foot wide private road and utility easement for Cochise Way. (Application)
5. A Road Maintenance Agreement outlines what parties are responsible for maintaining Cochise Way, and under what conditions. (Application)
6. *To ensure legal and physical access to the subdivision the following requirements shall be met:*
 - *Prior to final plat approval, the subdivider shall submit a copy of the recorded 60-foot wide public road and utility easement for the entire length of Tract A-1, Certificate of Survey #5783. (Condition 7)*
 - *The easement for Cochise Way shall be labeled as a 60-foot wide public road and utility easement on the final plat. (Requirement 2(b), Condition 8)*
 - *Final approval from the Ravalli County Road and Bridge Department that Cochise Way was constructed to meet County standards shall be submitted with the final plat. This packet shall include final road plans and grading and storm water drainage plans, a road certification for Cochise Way, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirement 16)*
 - *A road maintenance agreement, signed and notarized, shall be submitted with the final plat. (Requirement 18)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided by U.S. Highway 93, Skalkaho Highway, and the internal road Cochise Way.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Finding of Fact

The subdivider is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Requirement 23):

- The subdivider shall install a fence along the northern property boundary in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations.
- Cochise Way shall be constructed to meet county standards
- A stop and road name sign shall be installed at the intersection of Cochise Way and Skalkaho Highway

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

There are no water rights associated with the subject property. (Application)

Conclusion of Law

This requirement does not apply to the Bonanza Lands No. 2, North Park proposal.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is an existing, buried irrigation line traversing from the Hedge Ditch through Lots 1 and 4 of the property. The applicant is proposing to relocate the irrigation ditch along the eastern boundary of the subdivision. (Preliminary Plat)

3. The subdivider is proposing a 10-foot wide irrigation easement along the eastern boundary of the proposal. In addition to the 10-foot easement, the subdivider, who also owns Tract A-1 of Certificate of Survey #5783, is proposing an additional 5 feet of easement along the western boundary of said lot. (Preliminary Plat)
4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirements and conditions shall be met prior to final plat approval:*
 - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Condition 14 and Requirement 2)*
 - *The subdivider shall record a 5-foot wide irrigation easement along the western boundary of Tract A-1, Certificate of Survey #5783. (Condition 14)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *The applicant shall submit a notarized statement from each downstream water user specifically authorizing the relocation of the ditch. (Requirement 19)*

Conclusion of Law

With the requirements and conditions of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The parkland dedication requirement is 0.52 acres. (Application)
2. All lots within the subdivision are proposed for residential use. (Application)
3. The subdivider has proposed cash-in-lieu of parkland dedication. (Application)
4. In a letter dated December 1, 2007, Bob Cron of the Ravalli County Park Board indicated that the Park Board concurs with the subdivider's proposal to provide cash-in-lieu for parkland dedication. (Exhibit A-1)

Conclusion of Law

With the acceptance of a cash-in-lieu payment, the parkland requirement will be met.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR, with the exception of Section 5-4-4(d). Staff is recommending conditional approval of the variance request. (Subdivision File and Variance Report)
2. The road design has been approved by the Ravalli County Road and Bridge Department and meets the applicable standards in the RCSR. (Exhibit A-2)
3. This development plan proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the Ravalli County Subdivision Regulations. (Subdivision File)

Conclusions of Law

1. With conditional approval of the variance, the subdivision application meets all applicable standards required in the RCSR.

2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Application)

Conclusions of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

1. There were covenants filed with the original Bonanza Lands No. 2 subdivision. (Application)
2. The existing covenants do not regulate future subdivision or lot size. (Staff Determination)

Conclusion of Law

The proposal is in conformance with existing restrictive covenants.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

The application appears to meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 10.4 acres will result in 5 lots that range in size from 2.00 acres to 2.34 acres. The property is located approximately 2.0 miles south of the city of Hamilton off U.S. Highway 93 and Skalkaho Highway. (Application)
2. The parcel was created as part of Bonanza Lands No. 2 and was donated to the County as parkland. The County later sold the parcel to the applicant. (Application)
3. There is no prime farmland or farmland of statewide importance on the property. (Remington Ridge Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))

4. The property is located in an area of residential and agricultural uses.
5. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed is scattered across the property. (Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with the property. (Application)
2. The Hedge Ditch abuts the northern property boundary. (Preliminary Plat)
3. There is an existing, buried irrigation line traversing from the Hedge Ditch through Lots 1 and 4 of the property. The applicant is proposing to relocate the irrigation ditch along the eastern boundary of the subdivision. (Preliminary Plat)
4. The subdivider is proposing a 10-foot wide irrigation easement along the eastern boundary of the proposal. In addition to the 10-foot wide easement, the subdivider, who also owns Tract A-1 of Certificate of Survey #5783, is proposing an additional 5 feet of easement along the western boundary of said lot. (Preliminary Plat)
5. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
6. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Condition 14 and Final Plat Requirement 2)*
 - *The subdivider shall record a 5-foot wide irrigation easement along the western boundary of Tract A-1, Certificate of Survey #5783. (Condition 14)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *The applicant shall submit a notarized statement from each downstream water user specifically authorizing the relocation of the ditch. (Requirement 19)*
 - *The subdivider shall install a fence along the northern property boundary in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Requirement 23)*
 - *The covenants shall include a provision requiring the owners of Lots 1 and 2 to maintain the fencing along the Hedge Ditch. (Condition 2)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Hamilton Rural Fire District. (Application)
2. In a letter dated December 5, 2007, Lisa Wade of the Hamilton Rural Fire District stated that the HRFD does not oppose the proposal as all buildings are constructed to International Residential Building Code (IRBC) standards and the internal roadway is constructed to county standards without any variances. (Exhibit A-3)
3. The Hamilton Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. The Fire District also recommends that houses within this subdivision be built to IRBC building standards. (Exhibit A-4)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation from the Hamilton Rural Fire District stating that houses within this subdivision should be built to International Residential Building Code (IRBC) building standards. Further, the Hamilton Rural Fire District requests that any commercial buildings be constructed to meet state building code requirements. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *Prior to final plat approval, the subdivider shall provide a letter from the Hamilton Rural Fire District stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500-per-lot contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The Hamilton Rural Fire District has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 6)*

School District

5. With this subdivision, it is estimated that approximately 2.5 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household. (Census 2000)
6. The subdivider has not proposed a voluntary contribution. (Application)
7. Notification letters were sent to the Hamilton School District requesting comments on November 11, 2007 and March 5, 2008, but no comments have been received from the School District. (Subdivision File)
8. The cost per pupil for one year in the Hamilton School District, excluding capital costs, is \$6,619. Taxes from new residents are not immediately available to the school districts. (Exhibit A-5)
9. *To mitigate impacts on the School District, the subdivider shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount) per-lot contribution*

prior to final plat approval. (Condition 12) (Staff Note: Staff recommends that the BCC negotiate an amount with the subdivider and include the appropriate finding(s) supporting the amount in their decision.)

Water and Wastewater Districts

10. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

11. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
12. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on November 11, 2007 and March 5, 2008, but no comments have been received from the Sheriff's Office. (Subdivision File)
13. The average number of people per household in Ravalli County is 2.5. (Census 2000)
14. The subdivider has yet to propose a contribution to mitigate the impacts of the estimated addition of 12.5 people on Public Safety Services. (Application)
15. *To mitigate impacts on Ravalli County Public Safety Services, Staff recommends the subdivider negotiate a contribution with the BCC, to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 13)*

Emergency Services

16. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted but no comments have been received to date. (Subdivision File)
17. *To mitigate impacts on emergency services, the subdivider shall meet the following conditions and requirement:*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *A road name sign shall be installed for Cochise Way. (Condition 10)*

Solid Waste Services

18. Bitterroot Disposal provides solid waste service to this site. (Application)
19. Notification letters were sent to Bitterroot Disposal requesting comments on November 11, 2007 and March 5, 2008, but no comments have been received. (Subdivision File)

Utilities

20. The proposed subdivision will be served by Northwestern Energy, Ravalli Electric Coop, and Qwest Communications. (Application)
21. Notification letters were sent to both utility companies requesting comments on November 11, 2007 and March 5, 2008, but no comments have been received to date. (Subdivision File)
22. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Requirement 2)*
 - *The subdivider shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Requirement 17)*
 - *The subdivider shall provide evidence that a 60-foot wide "public road and utility easement" has been filed through Tract A-1 of Certificate of Survey #5783 prior to final plat approval. (Condition 7)*

Roads

23. There are five proposed single family residential lots within this subdivision. It is estimated at build-out that this subdivision will generate a total of 32 additional vehicular trips per day, assuming 8 trips per day per single-family dwelling. (Application)

24. Skalkaho Highway provides access to the subdivision from US Highway 93. Both roads are state operated highways. (Application)
25. The applicant is proposing to construct the internal road, Cochise Way, to meet County standards. (Application)
26. The applicant is proposing a 60-foot wide private road and utility easement for Cochise Way. (Application)
27. A Road Maintenance Agreement outlines what parties are responsible for maintaining the roads within the subdivision, and under what conditions. (Application)
28. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *The subdivider shall provide evidence that a 60-foot wide "public road and utility easement" has been filed through Tract A-1 of Certificate of Survey #5783 prior to final plat approval. (Condition 7)*
 - *The easement for Cochise Way shall be labeled as a 60-foot wide public road and utility easement on the final plat. (Requirement 2(b), Condition 8)*
 - *Final approval from the Ravalli County Road and Bridge Department that Cochise Way was constructed to meet County standards shall be submitted with the final plat. This packet shall include final road plans and grading and storm water drainage plan, a road certification for Cochise Way, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirements 15 and 16)*
 - *A notification of the road maintenance agreement for Cochise Way shall be included in the notifications document filed with the final plat. (Condition 1)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
 - *The stop and road name sign shall be installed prior to final plat approval. (Requirement 23 and Condition 10)*
 - *The final plat shall show a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision and a notification of the no-ingress/egress zone shall be included in the notifications document. (Requirement 2 and Conditions 2 and 9)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add five new homes to an area of existing low density development, south of the City of Hamilton. (2004 Aerial Photograph and Site Visit on 3/5/08)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana' <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground Water Quality

4. The subdivider is proposing individual wells and wastewater facilities. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
5. *The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Surface Water Features

6. There are no streams, rivers, riparian areas or wetlands on or adjacent to the property. However, the Hedge Ditch abuts the northern property boundary. (Application, Site Visit, GIS data)
7. *The subdivider shall install a fence along the northern property boundary in accordance with Section 5-6-2(b) of the Ravalli County Subdivision Regulations. (Requirement 23)*

Light Pollution

8. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
9. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

10. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed is scattered on the property.
11. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board.
12. The Montana Natural Heritage Program found that the palish sedge and the state champion tree were found within the same sections as the subject property (Application). The subdivider submitted and was granted a waiver from completing a Sensitive Species Report (Exhibit A-6)
13. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

14. There are no known sites of historical significance on the property. (Application)
15. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter received August 28, 2007, FWP stated that this property has a high likelihood of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-7)
2. The property is not located within big-game winter range. (FWP)
3. According to the Montana Natural Heritage Program, the Townsend's Big-Eared Bat, Gray Wolf, and Marbled Jumping Slug were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Exhibit A-6)
4. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Skalkaho Highway and Cochise Way from US Highway 93. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The subdivider is proposing individual wells and wastewater facilities. The subdividers submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

1. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
2. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
3. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
4. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Application)
5. *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for "Very Limited" soils shall be included in the*

notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as "Very Limited" for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)

6. Unfenced irrigation supply ditches pose a significant and tangible threat to young children when located within a residential setting. The Hedge Ditch is considered an irrigation supply ditch, as opposed to a lateral ditch or smaller ditch, in which case the fencing requirement of Section 5-6-2 applies.
7. *To mitigate impacts to Public Health & Safety, the covenants shall include a provision requiring the maintenance of the fencing along the Hedge Ditch. (Condition 2)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

VARIANCE REQUEST

The subdivider is requesting a variance from Section 5-4-4(d) of the RCSR, to relieve the subdivider from connecting the internal subdivision roadway to Ponderosa Drive.

Variance Analysis

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first determine that the variance request meets these stipulations:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

Variance Review Criteria

If and only if a positive determination is made on both of the prerequisite criteria, the BCC may then consider the variance for approval, based on the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

Five Variance Review Criteria

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

Findings of Fact:

1. Ponderosa Drive is a county-maintained, paved road providing access to existing lots within Bonanza Lands No.2. (Application)
2. The subdivider is required to connect new roadways to a right-of-way or easement in adjacent platted areas to allow for proper inter-neighborhood traffic flow. (Section 5-4-4(d) RCSR)
3. This subdivision will add an estimated 40 trips per day to Skalkaho Highway.
4. The subdivider is proposing an access off Skalkaho Highway through an adjacent parcel that is also owned by the subdivider because the applicant wants to avoid road construction on slopes from 10% to 20% in the southern portion of the property. This would results in fill depths in excess of 20 feet. (Variance Application)
5. The Montana Department of Transportation (MDT) has stated if a no ingress/egress zone is placed along the Ponderosa Drive frontage of the subdivision, MDT will issue an approach permit off Skalkaho Highway. (Application)

6. *To mitigate impacts on public health and safety, the no-ingress/egress zone, as proposed on the preliminary plat, shall be shown on the final plat. A restriction shall be included in the covenants. (Conditions 2 and 9, and Requirement 2)*

Conclusion of Law:

The granting of the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The applicants are proposing to access the subdivision off Skalkaho Highway. (Application)
2. The applicants are required to connect to adjoining neighborhoods via Ponderosa Drive. (Section 5-4-4(d))
3. There are physical conditions that make it difficult for the applicant to access off Ponderosa Drive. (Variance Application)
4. If there is a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision, MDT will issue an approach permit off Skalkaho Highway. (Application)

Conclusion of Law:

The fact that MDT will only issue a permit off Skalkaho Highway if there is no access via Ponderosa Drive, which is in conflict with Section 5-4-4(d) of the Ravalli County Subdivision Regulations, is a unique condition.

C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

Road construction through the southern portion of the property to access Ponderosa Drive would require fill depths in excess of 20 feet because of the 10% to 20% grades. (Variance Application & Application)

Conclusion of Law:

Topography makes it difficult for the applicant to meet this regulation, but it does not prevent the applicant from meeting the requirement through engineering.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

- The applicant is proposing to construct an internal subdivision road to meet County standards. The road will access off Skalkaho Highway. (*Exhibit A-2*)

- If there is a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision, MDT will issue an approach permit off Skalkaho Highway. (Application)
- *To mitigate impacts on public health and safety, the no-ingress/egress zone, as proposed on the preliminary plat, shall be shown on the final plat. A restriction shall be included in the covenants. (Conditions 2 and 9)*

Conclusions of Law:

1. The subdivision proposal complies with applicable zoning regulation.
2. The variance will not vary from the provisions in the Growth Policy.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. If there is a no-ingress/egress zone along the Ponderosa Drive frontage of the subdivision, MDT will issue an approach permit off Skalkaho Highway. (Application)
2. *To mitigate impacts on public health and safety, the no-ingress/egress zone, as proposed on the preliminary plat, shall be shown on the final plat. A restriction shall be included in the covenants. (Conditions 2 and 9)*

Conclusion of Law:

The granting of the variance will not cause a substantial increase in public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that MDT's statement that they will provide an approach permit off Skalkaho Highway if access via Ponderosa Drive is restricted, which conflicts with the Ravalli County Subdivision Regulations, is a unique condition.
2. The conclusion for Criterion C is that while the topography makes compliance with the regulations difficult, it is not impossible.

Conclusion of Law:

Strict compliance with these regulations will result in undue hardship.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that granting the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties.
2. The conclusions for Criterion D are that the variance request complies with applicable zoning regulations and does not vary from the provisions in the Growth Policy.
3. The conclusion for Criterion E is that the granting of the variance will not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application provides evidence that there is an undue hardship and that compliance with the RCSR is not essential to the public welfare.

EXHIBIT A-1

December 1, 2007

Tristan Ridell
Ravalli county Planning department
215 South 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

DEC 10 2007
IC-07-12-1535
Ravalli County Planning Dept.

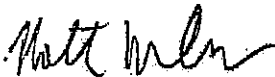
Subject : North Park, Bonanza Lands No. 2, AP Minor Subdivision
Preliminary Plat

Dear Tristan:

The North Park, Bonanza Lands No. 2, AP Minor Subdivision preliminary plat shows 5 lots on 10.4 acres. The required parkland dedication would be five percent of the 10.4 acre subdivision or about 0.5 acres. Since this is smaller than a desired size for a neighborhood park, the Ravalli County Park Board recommends cash-in-lieu to meet their park obligation.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron
For
Gary Leese
Chairperson,
Ravalli County Parks Board

David Ohnstad

From: David Ohnstad
Sent: Wednesday, January 30, 2008 11:09 AM
To: Tristan Riddell
Cc: 'John C Horat'
Subject: FW: North Park, Block 2
Attachments: Prelim Review Completion 012508.pdf

Tristan -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Cindy Kuns [mailto:CKuns@wgmgroup.com]
Sent: Friday, January 25, 2008 5:08 PM
To: David Ohnstad
Subject: North Park, Block 2

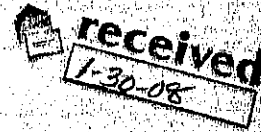
We have completed the preliminary review for the above-referenced project. Please find our completion memo attached. A hard copy will be mailed with all referenced attachments.

Cindy Kuns
Project Assistant



P.O. Box 16027 • 3021 Palmer Street
Missoula • Montana • 59808
E-mail: CKuns@wgmgroup.com
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>



DATE: January 25, 2008
TO: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jonathan L. Gass, P.E.
RE: North Park, Block 2 Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 11/16/07
- 2) Preliminary comment response from design engineer, dated 11/20/07
- 3) Comment response from WGM Group, dated 12/14/07
- 4) Design engineer response to comments, dated 12/19/07
- 5) Emails dated 1/21/08 and 1/22/08

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



1002 E. PALMER STREET
PO BOX 16027
MISSOULA, MT 59806-6027
TEL: 406-728-4611
FAX: 406-728-2476
WWW.WGMRGROUP.COM

MEMORANDUM

DATE: November 16, 2007

TO: Tristan Riddell, Ravalli County Planning Department

CC: John Horat, P.E., Bitterroot Engineering & Design, Inc.
David Ohnstad, Ravalli County Road and Bridge Department

FROM: Jonathan L. Gass, P.E.

RE: North Park, Block 2, AP Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed the preliminary grading and drainage plans and reports submitted for the above-referenced project.

This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities - Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

Roadways

- ✓ 1. The Schedule for Roadway Design lists a Sag "K" value of 7 referencing Exhibit 12 of the Low Volume AASHTO book. Exhibit 12 applies only to crest vertical curves. The Low Volume book stated that sag vertical curves should be designed per Chapter 5 of the AASHTO policy on Geometric Design of Highways and Streets. Chapter 5, Exhibit 5-2 lists a minimum "K" value for a sag vertical curve of 26. Please adjust the street grades to lengthen the vertical curve.
2. Please label the horizontal curve radius.
3. Please indicate that the required sight distance along Skalkaho Highway is available for the intersection of the Cochise Lane.

November 20, 2007

Bitterroot Engineering & Design, Inc.

1180 Eastside Hwy. Corvallis, MT 59828
(406) 961-5634 FAX (406) 961-5654

WGM Group
Attn: Jonathan Gass, PE
PO Box 16027
Missoula, MT 59808

REF: North Park, Block 2, AP, Hamilton, MT.

Dear Jonathan,

Based on your review, we are providing the following revised items:

- 2 copies of improvement plan.
- Storm drainage report.
- Design schedule.

Roadways

1. See revised plan and design schedule. The vertical curve length was increased.
2. See revised plan.
3. See attached preliminary approval from MDOT. Also, noted on plans.
4. Comment noted.
5. See revised plans.

Storm Drainage

1. The storm water basin is a detention basin. It is not located in a closed condition. The basin has been revised to include the total 2 year-1 hour storm per DEQ 8. I was under the assumption that only the additional storm water was to be retained.
2. See revised storm drainage report and plans.

Thanks for expediting the prior review and look forward to hearing from you.

If you have any questions, please give me a call.

Sincerely,

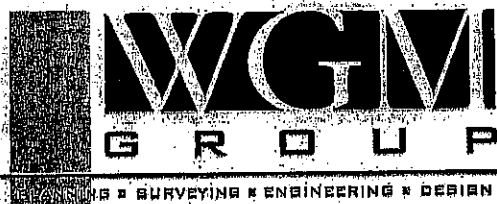
BITTERROOT ENGINEERING AND DESIGN, INC.

John C. Horat
By John C. Horat, PE

RECEIVED
NOV 29 2007

WGM GROUP, INC

File 071005 Sub Co No. 4



3021 PALMER STREET
P.O. BOX 16027
MISSOULA, MT 59808-6027
TEL: 406-728-4611
FAX: 406-728-2476
WWW.WGMBROUP.COM

MEMORANDUM

DATE: December 14, 2007

TO: John Horat, P.E., Bitterroot Engineering & Design, Inc.

CC: David Ohnstad, Ravalli County Road & Bridge Department
John Lavey, Ravalli County Planning Department

FROM: Jonathan L. Gass, P.E.

RE: North Park, Block 2, AP Response to Design Engineer Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Steps 6 and 7 on the RCRBD's "Schedule of Activities - Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions.

Storm Drainage

1. The detention basin appears to be sized for a 2-year, 1-hour storm. Ravalli County Subdivision Regulations require storm drain facilities to also be analyzed for the 10-year and 100-year storms. 100-year calculations were provided. Please provide 10-year storm calculations.
2. Please describe the detention basin outfall and how discharge will be controlled so as to not increase downstream flows.

Please respond to these comments as outlined in the RCRBD Schedule of Activities, so we may complete our review. Thank you.

December 19, 2007

Bitterroot Engineering & Design, Inc.

1180 Eastside Hwy. Corvallis, MT 59828
(406) 961-5634 FAX (406) 961-5654

WOM Group
Attn: Jonathan Gass, PE
PO Box 16027
Missoula, MT 59808

REF: North Park, Block 2, AP, Hamilton, MT

Dear Jonathan,

Based on your review, we are providing the following revised items:

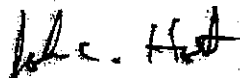
- 10 year storm calculations.
- Narrative below.

1. See attached calculations. Also, note that the roadside swales and culvert were previously sized for the 10 year event.
2. The basin is sized for the entire 2 year 1 hour event. Therefore, no credit is being taken for predevelopment conditions. In the event that the basin capacity is exceeded, sheet flow out of the basin will occur to the north and west in the drainage swale along Skalkaho Highway until the storm water enters the Hedge Ditch. No outflows other than the top of the basin are proposed.

If you have any additional questions, please give me a call. Thank you.

Sincerely,

BITTERROOT ENGINEERING AND DESIGN, INC.



By John C. Horat, PE

Jonathan Gass

From: John C Horat [john@brengineer.myrf.net]
Sent: Tuesday, January 22, 2008 9:45 AM
To: Jonathan Gass
Subject: Re: North Park

Jonathan,

I calculated the 2-year-1 hour storm for road area as follows:

$$\begin{aligned}
 Q &= c \times i \times a \\
 &= 0.9 \times 0.41 \text{ in.} \times 32,200 \text{ s.f.} \times 1 \text{ ft}^3/12 \text{ in.} \\
 &= 991 \text{ c.f.}
 \end{aligned}$$

The proposed basin is sized for 4,160 c.f. Based on this factor of over 5, I believe the basin is oversized for what we are proposing. Storm water leaving the basin should be a rare event.

Please let me know as soon as possible if this satisfies these comments. Thanks in advance.

Sincerely,

John Horat, PE

----- Original Message -----

From: Jonathan Gass
To: john@brengineer.myrf.net
Cc: Cindy Kuns
Sent: Monday, January 21, 2008 1:40 PM
Subject: North Park

John,

As we discussed for the North Park subdivision, please address the amount of runoff from the paved road that will be directed to the detention pond. Also verify that the pond is large enough to contain the 2-year, 1-hour storm runoff from this area. Please also consider the frequency the detention basin will overtop. The outlet and route to the irrigation ditch may need to be improved to accommodate this runoff.

Once we have these comments addressed, we will finalize our review. Please let me know if you have any questions. Thanks.

Jonathan Gass, P.E.

Principal Engineer



P.O. Box 16027 • 3021 Palmer Street
 Missoula • Montana • 59808
 E-mail: JGass@wgmgroupp.com
 406-728-4611 x 129 • FAX: 406-728-2476

<http://www.wgmgroupp.com>

EXHIBIT A-3

DEC 06 2007
10-07-12-1530
Ravalli County Planning Dept.

Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

December 5, 2007

Tristan Riddell
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RE: Agency comment on North Park, Bonanza Lands No. 2 AP Minor Subdivision Proposal

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the November 27, 2007 information received from Tristan Riddell in regards to the District's ability to provide fire protection services.

To mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, and in keeping with our Fire Protection Standards, we request that:

- 1) All buildings are built to IRBC code, and
- 2) All roads within the subdivision are constructed to County standards without any variances.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire service protection to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,



Lisa Wade
Secretary

USE for all
districts.

EXHIBIT A-4

Hamilton Rural Fire DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

EXHIBIT A-5

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence -	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

EXHIBIT A-6

November 29, 2007

Re: Sensitive Species waiver, North Park, Bonanza Lands No. 2, AP Subdivision
(Reynolds)


Renee-

I reviewed the Sensitive Species Report/Wavier request prepared for the North Park, Bonanza Lands No. 2, AP Subdivision on November 29, 2007. The waiver request covers all species as identified by MNHP. Based on habitat information and the aerial photo, I would concur with the developers request to waive a full sensitive species report.

Please find attached the waiver request from George Marshall, an aerial photo, and the MNHP map showing the location of the sensitive species.

Please review and provide comment.

Thank you-



Tristan

agreed,
RL



ALCYON, LLC

P.O. BOX 218
HAMILTON, MT 59840
406-381-1125

8/09/07

Karen Hughes
Ravalli County Planning Department
215 S. Fourth Street, Suite F
Hamilton, MT 59840

Re: North Park, Bonanza Lands No. 2 A.P.
Sensitive Species Report Waiver Request

Dear Ms. Hughes:

We are requesting a waiver from the Sensitive Species Report required under 3-1-5(a)(xxxvi) RCSR.

Please review the attached Species of Concern Analysis with reference to the map and species of concern list provided by the Montana Natural Heritage Program.

Sincerely,

George Marshall
George Marshall, PLS

**NORTH PARK, BONANZA LANDS NO. 2 A.P.
SPECIES OF CONCERN ANALYSIS
SECTION 18, T.5N, R.20W**

PALISH SEDGE – 3812

Scott Mincemoyer, Program Botanist for the Montana Natural Heritage Program writes:

“*Carex pallescens* (palish sedge) was removed from Species of Concern status in 2006 due to the uncertain nature of whether it is native or introduced to Montana and several other western states. It is native to the eastern US but is currently thought to potentially be a recent introduction into our area. However, we still maintain the occurrence records and mapped features in our database, thus it showed up in the data request you received.”

STATE CHAMPION TREE – 4240

This is a singular occurrence and is not located on the subject property.

TOWNSEND'S BIG-EARED BAT – 37716

From the Montana Natural Heritage Program website database:

“Habitat use in Montana has not been evaluated in detail, but seems to be similar to other localities in the western United States. Caves and abandoned mines are used for maternity roosts and hibernacula (Worthington 1991, Hendricks et al. 1996, Hendricks 2000, Hendricks et al. 2000, Foresman 2001, Hendricks and Kampwerth 2001); use of buildings in late summer has also been reported (Swenson and Shanks 1979). Habitats in the vicinity of roosts include Douglas-fir and lodgepole pine forests, ponderosa pine woodlands, Utah juniper-sagebrush scrub, and cottonwood bottomland. In hibernacula, ambient temperatures ranged from -1.0 to 8.0 degrees (30 to 46 when torpid Townsend's big-eared bats were present) (Hendricks and Kampwerth 2001). Temperatures at maternity roosts are poorly documented; the temperature was 12 degrees (54 in mid-July near a colony in an abandoned mine in Lake County), and 18 degrees (66 in August near a colony in a large and relatively open cave chamber in Lewis and Clark County). Most caves and mines in Montana appear to be too cool in summer for use as maternity roosts.”

The subject property is primarily covered with sagebrush and native grasses, with a few small standing coniferous trees, and no downfall. There is no suitable habitat for this species within the subject property or immediate vicinity.

MARbled JUMPING-SLUG – 24704

From a paper titled “Land Mollusk Surveys on USFS Region Lands: 2006” (June 2007) from the Montana Natural Heritage Program:

“We found this species at five sites between 3660-4950 ft elevation, in Mineral and Ravalli counties, on the Bitterroot and Lolo national forests (Table 1, Appendix D and G). This species was first documented in Montana in 1912 (Vanatta 1914; Frest and Johannes 1995; Hendricks 2003). Until recently, the global range was exclusively the Bitterroot Mountains. The Marbled Jumping slug appears to be restricted to extreme western Montana south of the St. Regis River, near the state line with Idaho (Frest and Johannes 1995, 2001; Hendricks et al. 2006); it may occur in Idaho, but this has yet to be confirmed. Canopy at the 2006 sites included western redcedar, subalpine fir, Engelmann spruce, western hemlock, Douglas-fir, ponderosa pine, cottonwood, and aspen. Up to four individuals were found at a single site, under downed wood.”



Montana Fish, Wildlife & Parks

EXHIBIT A-7

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
August 28, 2007

George Marshall
Alcyon, LLC
PO Box 218
Hamilton, MT 59840-0218

Reference: North Park Lot, Bonanza Lands #2 (Reynolds)--Proposed minor 5 lots on
10.4 acres) subdivision, ~3 miles SSE of Hamilton

Dear Mr. Marshall:

We have reviewed the preliminary plat, topographic map and aerial photo you provided for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>). Based on evaluating this information and our field knowledge of this location, we believe there is a general possibility of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, storing of attractants, and pet control. We recommend that a "living with wildlife" section be included as (development) covenants for this subdivision, in order to help residents deal with and avoid potential wildlife issues. We have attached a copy of our recommended covenants for this location.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Renee Van Hoven, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Proposed covenants for North Park Lot, Bonanza Lands #2 (Reynolds) recommended by Montana Fish, Wildlife & Parks; Missoula; August 28, 2007

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide

supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

RECEIVED

EXHIBIT B

MAR 27 2008
IC-08-03-294
Ravalli County Planning Dept.

March 25, 2008

①
Tristan Riddell,

As we are adjoining landowners we are against the proposed subdivision referred to as North Park, Bonanza land NO2, A.P.

The effects on agricultural water-user facilities. Mainly user of the Daly Ditch. The water in the ditch could become polluted and cause health hazards. This concerns us as the ditch runs adjacent to our property. It could effect water supplies to those who use the ditch for agricultural purposes. It may also effect the wells and water supplies of this area.

The effects on our local services. Our local services, particularly our law enforcement agencies, would be more over burdened.

The effects on natural environment. Effects on rural way of life, with more traffic, noise, pollution, and taking up more of our open spaces. If I wanted to live in a city I would live in Missoula.

Effects on wildlife and wildlife habitat. It would enter with wildlife breeding, nesting, hunting area. Also with the mountain tails. Their food and water

②

March 25, 2008

supplies, and refuse.

we also believe it would effect the
value of our property and our taxes.

Melvin & Loretta Moore